

HOUSE BILL 459

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 32; Title 33; Title 39; Title 63 and Title 68,
relative to human trafficking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Clinic" means a not for profit, out-patient, nonhospital facility in which
a healthcare provider engages in the voluntary provision of healthcare services to
patients without charge to the recipient of the services or to a third party;

(2) "Emergency department" means the department of a hospital or
healthcare facility that provides medical and surgical care to patients arriving at
the hospital or healthcare facility in need of immediate care;

(3) "Healthcare service provider" means an individual acting within the
scope of a valid license issued pursuant to this title or title 68, chapter 24, part 6,
who works at a hospital; clinic; emergency department; or facility licensed under
title 33 that provide care for mental health, substance abuse, or intellectual and
developmental disabilities; and

(4) "Hospital" has the same meaning as defined in § 68-11-201;

(b)

(1) Every three (3) years, a healthcare service provider shall complete
training on how to identify and respond to human trafficking victims who enter:

(A) Hospitals, clinics, and emergency departments; and

(B) Facilities licensed under title 33 that provide care for mental health, substance abuse, or intellectual and developmental disabilities.

(2) The department of health shall develop the training in coordination with the Tennessee bureau of investigation and the following:

(A) Restore Corps;

(B) End Slavery Tennessee;

(C) The Community Coalition Against Human Trafficking; or

(D) Another non-governmental agency that adheres to the "Guiding Principles for Agencies Serving Survivors of Human Trafficking" document produced by the southeast regional human trafficking advisory group, an initiative of the administration for children and families region 4 office.

(3) The department shall provide the training in a manner such that it can be completed in person or remotely through electronic means, such as video conferencing.

(4) The department shall provide the training at no cost to healthcare service providers.

(c)

(1) The penalties for a violation of this section are as follows:

(A) A fine of five hundred dollars (\$500) for the first violation; and

(B) The withholding of the healthcare service provider's license renewal for a second or subsequent violation.

(2) A healthcare service provider in violation of this section may submit in writing to the appropriate licensing board a letter detailing why the healthcare service provider is in violation of this section. The letter must include a statement

detailing whether the healthcare service provider received comparable training from another organization or institution. The licensing board may grant a waiver in its discretion.

(d) The department shall implement this section utilizing existing resources.

SECTION 2. The department is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tenn. Code Ann. Title 4, Chapter 5.

SECTION 3. For purposes of rulemaking and developing the training under SECTION 1(b)(2), this act takes effect October 1, 2021, the public welfare requiring it. For all other purposes, including enforcement of SECTION 1(b)(1), this act takes effect January 1, 2022, the public welfare requiring it.